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STATE FOR WHA/CAN AND EEB/TPP/MTA/IPC BOGER AND WALLACE
STATE PASS USTR FOR MELLE, SULLIVAN, AND GARDE
COMMERCE FOR GERI WORD, SEBASTIAN WRIGHT, AND EMILY BARRAGAN

E.O. 12958: N/A

TAGS: [ECON](#) [ETRD](#) [KIPR](#) [CA](#)

SUBJECT: IPR: CANADA REPORTEDLY PREPARING TO CRIMINALIZE
THEATER CAMCORDER CAMCORDING

REF: A. OTTAWA 765

[1](#)B. OTTAWA 783

[1](#)1. (SBU) Summary: Canada's reaction to USTR's April 30th decision to maintain Canada's position on the Special 301 Watch List has been largely muted. However, intellectual property rights (IPR) - especially theater camcording - are now generating prominent news stories. The GOC is reportedly preparing to draft legislation to criminalize camcording of movies in a cinema. End Summary.

Reaction to 301 Generally Positive

[1](#)2. (SBU) Prior to the release of the 2007 Special 301 Report many Canadian officials and pundits anticipated that USTR would upgrade Canada to the 301 Priority Watch List. While some U.S. industry groups have criticized the decision to not upgrade Canada, we understand that Canadian officials were relatively pleased by the 301 report and the lack of public reaction in Canada.

IPR Issues Focus of Media and Parliament

[1](#)3. (U) There continues to be prominent, and generally critical, news coverage of illicit theater camcording in Canada. Warner Brothers recently announced that as part of an effort to combat camcorder piracy, it will no longer hold any pre-screenings in Canada starting in the summer. Additionally, the producer of "Bon Cop, Bad Cop" the highest grossing Canadian movie ever, in a recent radio interview stated that Canadian laws against theater camcording are out-of-date and "ludicrous" and that Canadian artists are hurt by this legal deficiency.

[1](#)4. (U) The House of Commons Committees on Industry, Science and Technology and on Public Safety and Nation Security recently have both held multiple hearings on IPR issues, including counterfeit goods, camcording, and border enforcement. While the hearings have featured witnesses with a variety of views on the subject, the majority of the Members of Parliament seem to recognize IPR enforcement is a problem and appear to be sympathetic to many USG concerns.

New Legislation?

[1](#)5. (SBU) Reports in the press and from Embassy contacts indicate that the Ministry of Justice may soon introduce legislation to criminalize theater camcording despite prior

statements by Justice Minister Nicholson to the contrary. Illicit camcording may be the easiest of the major USG IPR concerns for Canada to address. Few people oppose such legislation and those that do, such as IPR public commentator University of Ottawa Law Professor Michael Geist, seem resigned to the eventual passage of anti-camcording piracy legislation.

16. (SBU) Comment: Despite progress on camcording there is still no firm indication that the long-awaited copyright bill is ready to be introduced to Parliament. When asked about timing of the legislation, GOC officials repeat a statement from Prime Minister Harper's April 23rd letter to Ambassador Wilkins that Industry and Canadian Heritage Departments "are planning to move forward with proposals for important changes to Canada's copyright regime in the coming months. (Ref B) End comment.

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